

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEVEN MABLE, et al.,

PLAINTIFFS,

v.

JEFFREY A. BEARD, et al.,

DEFENDANTS.

No. 3:10-CV-1214

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SMYSER)

**ORDER**

**NOW** this 26<sup>th</sup> day of April, 2011, the motion to strike (Doc. 70) the amended complaint is **GRANTED**. The amended complaint (Doc. 68) is **STRICKEN** for violating Fed. R. Civ. P. 15(a)(2). Upon review of the report and recommendation of Magistrate Judge J. Andrew Smyser (Doc. 23) for plain error or manifest injustice, **IT IS FURTHER ORDERED** that:

- (1) The report and recommendation (Doc. 55) is **ADOPTED**.
- (2) The motions to dismiss the complaint (Docs. 39, 51) against defendants Beard, Sowga, and Walsh is **GRANTED**.
- (3) This plaintiff is given leave to file an amended complaint in accordance with Local Rule 15.1 within twenty-one days from the date of this Order.
- (4) This matter is **RECOMMITTED** to the magistrate judge.



A. Richard Caputo  
United States District Judge